

# STARK CALLS ON CONGRESS TO REPEAL PROVISIONS OF THE PATRIOT ACT THAT VIOLATE THE CONSTITUTION

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Introduces the Benjamin Franklin True Patriot Act to Remove Unchecked Government Powers from the Law

WASHINGTON, DC &ndash; Today, Rep. Pete Stark (D-Fremont) joined with Rep. Dennis Kucinich (D-OH) and fellow Bay Area Representatives George Miller, Barbara Lee, Mike Honda, Lynn Woolsey and Sam Farr in introducing legislation to repeal provisions of the USA Patriot Act that violate basic Constitutional protections and civil liberties.

&ldquo;The need to protect our nation from terrorism is clear, but the American people should not have to choose between our basic rights and our security,&rdquo; Rep. Stark said. &ldquo;Since its inception two years ago, the Patriot Act has made Americans vulnerable to gross abuses of government power that simply aren&rsquo;t justified.&rdquo;

Stark voted against the USA Patriot Act that passed Congress and was enacted in October 2001. The law greatly expands the government&rsquo;s authority to engage in secret surveillance, phone and Internet monitoring, and searches of personal records with little or no judicial review. The Patriot Act has been used by Attorney General John Ashcroft to issue guidelines allowing the FBI to investigate American citizens without probable cause and spy on libraries, political meetings and religious services. Ashcroft has also cited authority under the law in detaining legal residents and other non-citizens, often indefinitely, without charging them with a crime.

&ldquo;Attorney General Ashcroft has used the Patriot Act to engage in an out-and-out assault on basic civil liberties,&rdquo; Stark said. &ldquo;He has made a mockery of due process, violated basic privacy protections, and authorized federal agents to spy and snoop under a shroud of absolute secrecy. Perhaps worst of all, he has wrongly singled out thousands of Americans of Arab, Middle Eastern and South Asian descent for questioning and, in some cases, indefinite detainment.&rdquo;

Among the many changes it would make to the USA Patriot Act, the Benjamin Franklin True Patriot Act would repeal sections of the law giving government expanded policing powers, such as use of roving wiretaps, secret sneak and peak searches of confidential records and secret surveillance of citizens at bookstores, libraries, and of political organizations and religious institutions.

The Benjamin Franklin True Patriot Act would also bar federal law enforcement from obtaining search warrants from the top-secret FISA Court (Foreign Intelligence Surveillance Act Court) to investigate American citizens rather than a criminal court where the nature and scope of a search is more narrowly defined and the warrant is a matter of public record. It would also strip sections of the Patriot Act that allows federal law enforcement to detain legal residents and legal immigrants indefinitely without probable cause, access to legal counsel, or judicial review. It would override several executive orders by the Bush Administration, including one allowing for the monitoring by law enforcement officials of private attorney client conversations.

Several communities in the Bay Area and throughout California have passed resolutions condemning the Patriot Act, including the cities of Hayward, Union City and Pleasanton in the 13th Congressional District.

“Having the honor of representing one of the most culturally diverse districts in the nation, I am keenly aware of the effects of the Patriot Act,” Stark said. “Many of my constituents, especially those who are Arab and Muslim Americans, are afraid of losing their rights and being racially profiled and harassed by the government. Every American, regardless of their background, has the right to live free of unwarranted government intrusion. Repealing the worst provisions of the Patriot Act will reign in this gross abuse of power and restore to everyone our basic Constitutional rights.”